IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(Crl.).No. 254 of 2007(S)

PETITIONER:

AJMAL KHAN,AGED 22 YEARS
S/O. PEERUKANU, CHAMAVILA HOUSE
BALARAMAPURAM P.O.
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.SHANAVAS.S
SRI.SALIM V.S.
SRI.O.C.LAIJU

RESPONDENTS:
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1. STATE OF KERALAL REPRESENTED BY
HOME SECRETARY, GOVT. SECRETARIAT
THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM RURAL.

3. CIRCLE INSPECTOR OF POLICE
NEYYATTINKARA.

4. SUB INSPECTOR OF POLICE
BALARAMAPURAM.

5. GANAPATHY MOORTHI,HOUSE NO.409/VII
(BALARAMAPUAM PANCHAYAT)
SHALI GOTHRA THERUVU,ANTHIYOOR DESOM
BALARAMAPURAM POST, KOTTUKAL VILLAGE
THIRUVANANATHAPURAM DISTRICT.

6. SYAM,S/O.GANAPATHY MOORTHI,
HOUSE NO.409/VII HOUSE NO.409/VII
(BALARAMAPUAM PANCHAYAT)
SHALI GOTHRA THERUVU,ANTHIYOOR DESOM
BALARAMAPURAM POST, KOTTUKAL VILLAGE
THIRUVANANATHAPURAM DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SRI C.M. KAMMAPPU.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN,JJ

W.P.(CRL.)254 OF 2007

Dated 7th November, 2007.

JUDGMENT

Raman, J.

This is a writ petition for habeas corpus filed by Ajmal Khan, aged 22 years alleging that Smt. Devi R, the alleged detenue, is under illegal custody of respondents 5 and 6 , who are the father and elder brother of the alleged detenue. We issued a direction on 30-10-2007 to the Government Pleader to get instruction from the 4th respondent, the Sub Inspector of Police, Balaramapuram as to the steps taken on Ext.P2 complaint and to file a report. A statement is stated to be filed. But the same has not been incorporated by the Registry, a copy of which is furnished by the learned Government Pleader. As per the statement, the alleged detenue was produced before the R.D.O, Thiruvananthapuram on 31-10-2007 and the alleged detenue gave a statement before the Sub Divisional Magistrate expressing her willingness to go along with her parents. She being a major,

set at liberty to go along with her parents.

2. In the above circumstances, the allegations contained in the writ petition that the alleged detenue is under illegal custody of respondents 5 and 6 cannot be accepted. At any rate, when she was set free by the Sub Divisional Magistrate after recording her statement to the effect that she wanted to go along with her parents, no further relief can be granted in this petition for habeas corpus.

The writ petition is closed.

P.R.Raman, Judge.

V.K.Mohanan, Judge.

kvm/-

V.K.MOHANAN, J.

No....

Judgment/Order

Dated: